

UNITED STATES BANKRUPTCY COURT

Southern District of Georgia

In re:
David James Perkins and Tonya Roxsann Perkins
 Debtors

Case No.: 05-13276-JSD

Judge: John S. Dalis

Chapter: 13

ORDER ON MOTION FOR RELIEF FROM STAY

MOVANT: Countrywide Home Loans, Inc.

SUBJECT PROPERTY: 349 Kilpatrick Road, Waynesboro, Georgia

- ☐ Granted. ☐ The Trustee will discontinue distribution on the movant's claim and reduce movant's claim to the amount paid if no amended claim is filed within _____ days of this order.
- ☐ The Trustee shall reduce movant's claim relating to this collateral to the amount paid. Movant is granted leave to seek allowance of a deficiency claim, if appropriate.

☐ Continued to _____ at _____ a.m./p.m. ☒ Denied.

☒ The debtor shall make timely post-petition payments to movant as required by the Chapter 13 plan.

☒ The debtor shall tender payments to cure an arrearage of \$1,483.88 (2 pmts. of \$468.51, late fee of \$500.00, as follows:

Pay \$469.00 in Court (that 1/06)

Pay \$169.15 per month beginning with the 2/06 pmt.

for 6 months and a final payment of \$169.15 due with the 7/06 pmt.

STRICT COMPLIANCE IS ORDERED as follows:

- ☒ That in the event the debtor fails to comply with the terms of this order, the movant, through its attorney of record, may file an affidavit establishing the default, served upon debtor and debtor's attorney. Upon the expiration of ten (10) days without the filing of a counteraffidavit by the debtor disputing the fact of default, an order may be entered lifting the automatic stay, converting the case to a Chapter 7 or dismissing the case without further motion, notice or hearing.

- ☐ The automatic stay is lifted automatically and without any further Notice or Order of Court, in the event that debtor remains in default in the performance of any payment obligation set forth in this order ten (10) days after the filing and service of a Notice of Non-compliance by Movant. Any action to reimpose the stay seeks injunctive relief and shall be brought as an Adversary Proceeding under Rules 7065 and 9011.

- ☐ The strict compliance provision of this Order shall expire on _____.

- ☒ Other provisions: 10-day right to cure strict compliance on future pmts.

Exhibit 'A' attached is incorporated herein

Dated: January 18, 2006

John S. Dalis, United States Bankruptcy Judge

By our signatures below we do hereby consent to the entry of the foregoing order:

 Attorney for Movant

 Attorney for Respondent Debtor

 Trustee

EXHIBIT "A"

In the event of the granting of the relief from stay by this Court, Movant and Debtor agree to and stipulate that Movant's claim will be disallowed in its entirety (claims and) and the Chapter 13 Trustee is directed to stop and cease payment of said claim(s). Movant, thereafter, is permitted to file a deficiency claim upon liquidation of the above-described collateral, subject to Debtor's and Trustee's right to object to the amount of and/or the status of such later-filed claim.



Attorney for Movant



Attorney for Debtor



Chapter 13 Trustee

BROrderExh.